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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,503	11/20/2001	Scott B. Heintzeman	8477.99USC2	9964

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EXAMINER

LASTRA, DANIEL

ART UNIT PAPER NUMBER

3622

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,503

Applicant(s)

HEINTZEMAN ET AL.

Examiner

DANIEL LASTRA

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. Claims 41-63 have been examined. Application 09/991,503 (Computerized apparatus and method for awarding credits to persons for travel related purchases) with a filing date 11/20/01 is a continuation of 09/598,586, which is a continuation of 08/892,563 (Pat. 6,631,355), which is a continuation of 08/439,626, which is a continuation of 08/385,381 (Pat. 5,483,444), which is a continuation of 08/143,453 (10/26/1993).

Response to Amendment

2. In response to Non Final Rejection filed 10/17/2005, the Applicant filed an Amendment on 04/17/2006, which amended claims 41 and 62.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41-53, 55-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al (U.S. 5,331,546) in view of the article Which Frequent-Flier Program? (Airlines promise free travel, but their delivery record has been spotty. We identify the better programs.) Consumer Reports Travel Letter: vol6, no. 10, pp 112-116, October 1990. (Dialog file 646; #00500249) and further in view of Lieberman (US 5,855,369).

As per claim 41, Webber teaches:

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A computerized incentive system for awarding credits to persons who book travel-related reservations, the system comprising:

- (a) a computerized reservation system connected to a network;
- (b) an interface device connected to the network and configured so that a user of the interface device has access to the computerized reservation system (see column 4, lines 5-25);
- (c) a reservation facility computer system connected to the network and thereby accessible to the user accessing the computerized reservation system, the reservation facility computer system configured so that the user may book a travel-related reservation (see column 6, line 65 – column 7, line 3; column 16, line 42 – column 17, line 5)
- (d) a conversion system connected to the network, *wherein the conversion system receives an availability format and then converts the travel-related reservation contained within the availability format into a standard format* (see figure 1, item 26; see column 5, lines 35-45; figure 2, item 34; column 16, lines 41-60);

Webber fails to teach:

- (e) an award system connected to the network, the award system being configured to receive data concerning the travel-related reservation, wherein the award system assigns credits to a person for whom the travel-related reservation has been booked upon verification that an event relating to the travel-related reservation has occurred. However, Lieberman teaches “purchase-required-for-entry” incentive programs where businesses that participates in said programs only give prizes or

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awards to customers that purchase and attend said participating businesses events. Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11, 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Webber's system would use the travelers' frequent flier numbers (see Webber column 17, lines 15-20; figure 8B, item 326) to provide said travelers with offers or awards from different service providers which have frequent fliers programs, as taught by the Frequent-Flier program (see Frequent flier paragraph 54; "car rental", "Hotel"). The Webber's system would be motivated to link his system to the frequent flier programs of different service providers in order to allow frequent flier members to use the Webber's system to find not only an itinerary-with-fare combinations acceptable in terms of cost and convenience to said members but also the travel offers that let said members earn the most credits and/or awards in various way (i.e. such as flying, staying at hotels, renting cars, etc). It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that businesses that participate in a frequent flier program¹ would only give credit to customers that attend said businesses event, as taught by Lieberman in order that said businesses don't finish paying money as credit to customers that never attended said events. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the purpose of providing an incentive program (i.e. frequent flier

¹ Frequent Flier paragraph 18

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program) is to give customers an added incentive to attend said businesses' events, as taught by Lieberman but business would not be that willing to participate in said incentive programs, if said participating businesses have to give credits or prizes to customers that never attended said businesses events. Therefore, eliminating the purpose of providing said incentive programs to said customers, which is to increase profits to said businesses due to the increase attendance.

As per claim 42, Webber teaches:

The award system of claim 41 wherein the data concerning the travel related reservation includes a code identifying the person for whom the travel related reservation is booked (see column 4, lines 9-25; column 6, lines 1-5).

As per claim 43, Webber teaches:

The award system of claim 41 but fails to teach further configured to determine the total credits previously awarded to the person for whom the travel-related reservation is booked and add the credits assigned to the credits previously awarded thereby creating a cumulative credit total that is stored in the award system. However, the article Which Frequent-Flier Program teaches a frequent-flier award system that keeps a running account of the miles earn (see paragraph 11). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. The earn

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credits would be accumulated in an account for the purpose of redeeming them for awards.

As per claim 44, Webber teaches:

The award system of claim 41 but fails to teach wherein the event occurrence to be verified is the fulfillment of the travel-related reservation. However, the same rejection applied to claim 41 regarding this missing limitation is also made in claim 44.

As per claim 45, Webber teaches:

The award system of claim 44 but fails to teach wherein the fulfillment of the travel-related reservation is accomplished by a stay in and check-out of the facility for which the travel-related reservation had been booked. However, the same rejection applied to claim 41 regarding this missing limitation is also made in claim 45.

As per claim 46, Webber teaches:

The award system of claim 45 wherein the fulfillment of the reservation is performed by the person for whom the travel-related reservation has been booked (see column 4, lines 9-25).

As per claim 47, Webber teaches:

A computer implemented method of awarding credits to persons who book travel-related reservations, the method comprising:

(a) transmitting travel-related reservation information from a user via an interface device connected to a network to a computerized reservation system connected to the network (see column 4, lines 9-25);

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(b) converting the travel-related reservation information into a format acceptable by a selected reservation facility computer system (see column 16, lines 41-60);

(c) communicating the travel-related reservation information to a reservation facility computer system connected to the network (see column 4, lines 9-25).

Webber fails to teach:

(d) communicating the travel-related reservation information to an awards system, wherein the awards system processes the travel-related reservation information and awards credits to persons for whom the travel-related reservation have been booked upon the awards system verifying that an event relating to the travel-related reservation booked has occurred. However, Lieberman teaches “purchase-required-for-entry” incentive programs where businesses that participates in said programs only give prizes or awards to customers that purchase and attend said participating businesses events. Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11, 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Webber's system would use the travelers' frequent flier numbers (see Webber column 17, lines 15-20; figure 8B, item 326) to provide said travelers with offers or awards from different service providers which have frequent fliers programs, as taught by the Frequent-Flier program (see Frequent flier paragraph 54; “car rental”, “Hotel”). The Webber's system would be motivated to link his system to the frequent flier programs of different service providers in order to allow

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frequent flier members to use the Webber's system to find not only an itinerary-with-fare combinations acceptable in terms of cost and convenience to said members but also the travel offers that let said members earn the most credits and/or awards in various way (i.e. such as flying, staying at hotels, renting cars, etc). It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that businesses that participate in a frequent flier program² would only give credit to customers that attend said businesses event, as taught by Lieberman in order that said businesses don't finish paying money as credit to customers that never attended said events. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the purpose of providing an incentive program (i.e. frequent flier program) is to give customers an added incentive to attend said businesses' events, as taught by Lieberman but business would not be that willing to participate in said incentive programs, if said participating businesses have to give credits or prizes to customers that never attended said businesses events. Therefore, eliminating the purpose of providing said incentive programs to said customers, which is to increase profits to said businesses due to the increase attendance.

As per claim 48, Webber teaches:

The computer implemented method of claim 47 but fails to teach wherein the act of processing the travel related reservation information includes processing of data representing the revenue generated from the travel-related reservation and calculating credits to be awarded based on the revenue generated from the travel-related

² Frequent Flier paragraph 18

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reservation. However, the article Which Frequent-Flier Program discloses about frequent-flier programs where people earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11, 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. The awarding of credits for travel-related purchases would help customers lower their travel-related expenses.

As per claim 49, Webber fails to teach:

The computer implemented method of claim 47 wherein the act of processing the travel-related reservation information includes determining the type and length of the travel related reservation and assigning a predetermined number of credits based on the type and length of the travel-related reservation. However, the article Which Frequent-Flier teaches a system that assigns a predetermined number of credits based on the type and length miles flown or Hotel stay (see paragraphs 9 and 18). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel-related reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and

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credit-cards. The awarding of credits for travel-related purchases would help customers lower their travel expenses.

As per claim 50, Webber teaches:

The computer implemented method of claim 47 wherein the data concerning the travel-related reservation includes a code identifying the person for whom the travel related reservation is booked (see column 4, lines 5-25).

As per claim 51, Webber fails to teach:

The computer implemented method of claim 47 wherein the event occurrence to be verified is the fulfillment of the travel-related reservation. However, the same rejection made in claim 47 regarding this missing limitation is also made in claim 51.

As per claim 52, Webber fails to teach:

The computer implemented method of claim 51 wherein the fulfillment of the travel-related reservation is accomplished by a completed stay in a hotel room by the person for whom the travel-related reservation has been made. However, the same rejection made in claim 47 regarding this missing limitation is also made in claim 52.

As per claim 53, Webber teaches:

A computer implemented method of awarding credits to persons completing travel-related purchases, the method comprising:

(a) transmitting a purchaser identification code and travel-related purchase information via an interface system configured to covert the travel-related purchase information into a reservation system format of a selected reservation system, said

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interface system connected to a network to an award system connected to the network upon the completion of a travel related purchase (see column 4, lines 9-25);

Webber fails to teach:

(b) processing of the travel-related purchase information by the award system to verify that the travel-related purchase is complete and calculate the credits to be assigned to the person completing the travel-related purchase; and

(c) assigning the calculated credits to the person completing the travel-related purchase, wherein the credits assigned may be exchanged for an award.

However, Lieberman teaches “purchase-required-for-entry” incentive programs where businesses that participates in said programs only give prizes or awards to customers that purchase and attend said participating businesses events. Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11, 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Webber's system would use the travelers' frequent flier numbers (see Webber column 17, lines 15-20; figure 8B, item 326) to provide said travelers with offers or awards from different service providers which have frequent fliers programs, as taught by the Frequent-Flier program (see Frequent flier paragraph 54; “car rental”, “Hotel”). The Webber's system would be motivated to link his system to the frequent flier programs of different service providers in order to allow frequent flier members to use the Webber's system to find not only an itinerary-with-fare combinations acceptable in

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terms of cost and convenience to said members but also the travel offers that let said members earn the most credits and/or awards in various way (i.e. such as flying, staying at hotels, renting cars, etc). It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that businesses that participate in a frequent flier program³ would only give credit to customers that attend said businesses event, as taught by Lieberman in order that said businesses don't finish paying money as credit to customers that never attended said events. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the purpose of providing an incentive program (i.e. frequent flier program) is to give customers an added incentive to attend said businesses' events, as taught by Lieberman but business would not be that willing to participate in said incentive programs, if said participating businesses have to give credits or prizes to customers that never attended said businesses events. Therefore, eliminating the purpose of providing said incentive programs to said customers, which is to increase profits to said businesses due to the increase attendance.

As per claim 55, the computer implemented method of claim 53, contains the same limitation as claim 48 therefore the same rejection is applied.

As per claim 56, the computer implemented method of claim 53, contains the same limitation as claim 49 therefore the same rejection is applied.

As per claim 57, the computer implemented method of claim 53, contains the same limitations as claim 45 therefore the same rejection is applied.

³ Frequent Flier paragraph 18

As per claim 58, the computer implemented method of claim 53, contains the same limitations as claim 46 therefore the same rejection is applied.

As per claim 59, Webber teaches:

A computerized incentive system for awarding credits to persons who book travel-related reservations, the system comprising:

(a) an interface system connected to the network (see column 4, lines 9-25) wherein said interface system is configured to convert reservation information into a reservation facility data format of a designated reservation facility (see column 16, lines 42-55);

(b) a reservation facility computer system connected to the network and configured so that a user of the interface device may access the reservation facility computer system to book a travel-related reservation (see column 4, lines 9-25).

Webber fails to teach:

(c) an award system connected to the network, the award system being configured to receive data concerning the travel-related reservation, wherein the award system assigns credits to a person for whom the travel-related reservation has been booked, the award system being further configured to verify fulfillment of the travel-related reservation and decrement credits previously assigned to the person for travel-related reservations that are not fulfilled. However, Lieberman teaches "purchase-required-for-entry" incentive programs where businesses that participates in said programs only give prizes or awards to customers that purchase and attend said participating businesses events. Which Frequent-Flier Program discloses about

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frequent-flier programs where people can earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11, 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Webber's system would use the travelers' frequent flier numbers (see Webber column 17, lines 15-20; figure 8B, item 326) to provide said travelers with offers or awards from different service providers which have frequent fliers programs, as taught by the Frequent-Flier program (see Frequent flier paragraph 54; "car rental", "Hotel"). The Webber's system would be motivated to link his system to the frequent flier programs of different service providers in order to allow frequent flier members to use the Webber's system to find not only an itinerary-with-fare combinations acceptable in terms of cost and convenience to said members but also the travel offers that let said members earn the most credits and/or awards in various way (i.e. such as flying, staying at hotels, renting cars, etc). It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that businesses that participate in a frequent flier program⁴ would only give credit to customers that attend said businesses event, as taught by Lieberman in order that said businesses don't finish paying money as credit to customers that never attended said events. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the purpose of providing an incentive program (i.e. frequent flier program) is to give customers an added incentive to attend said businesses' events, as taught by Lieberman but business would not be that willing

⁴ Frequent Flier paragraph 18

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to participate in said incentive programs, if said participating businesses have to give credits or prizes to customers that never attended said businesses events. Therefore, eliminating the purpose of providing said incentive programs to said customers, which is to increase profits to said businesses due to the increase attendance. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a business that give credits to customers for attending a business' event would verify if said customer attended said event and would decrement a credit previously given to said customer, if said customer did not attend said event, as said credit can only be earned by attending said event.

As per claim 60, Webber teaches:

The computerized incentive system of claim 59 including a computerized reservation system connected to a network for communicating travel related reservations to the reservation facility computer system (see column 4, lines 9-25).

As per claim 61, the award system of claim 59 contains the same limitation as claim 59 therefore the same rejection is applied.

Claim 62 contains the same limitations as claims 41 and 44 therefore the same rejection is applied.

Claim 63 contains the same limitation as claim 59 therefore the same rejection is applied.

4. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al (U.S. 5,331,546) in view of the article Which Frequent-Flier Program and further in view of Goheen (U.S. 6,094,640) and Lieberman (US 5,855,369).

As per claim 54, Webber fails to teach:

The computer implemented method of claim 53 wherein the interface device is connected to the network via a wireless connection. However, Goheen teaches about a mobile airline communication system that provides validation of a travel reservation and payment to an airline employee (see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Webber would give users access to the reservation system via wireless connection, as taught by Goheen. This feature would permit a user to check the status of his or her travel reservation no matter where he or she may be located.

Response to Arguments

5. Applicant's arguments filed 04/17/2006 have been fully considered but they are not persuasive. The Applicant argues that there is no motivation to combine Webber with Frequent flier and that simply because Webber and Frequent flier mention the use of frequent flier members is not enough motivation to combine the two references. The Examiner answers that Webber teaches the use of the frequent flier number to check travelers policy records and special requests (see Webber column 17, lines 15-20) and Frequent flier teaches the use of a frequent flier number (i.e. account number) to obtain the travelers' records. Therefore, both systems use a frequent flier number to obtain all the travelers' record information. Therefore, the Webber's system would be motivated to link his system to the frequent flier programs of different service providers in order to allow frequent flier members to use the Webber's system to find not only an

itinerary-with-fare combinations acceptable in terms of cost and convenience to said members but also the travel offers that let said members earn the most credits and/or awards in various way (i.e. such as flying, staying at hotels, renting cars, etc).

The Applicant argues that Webber system does not contemplate having multiple availability formats like a conversion system that receives an availability format and then converts the travel-related reservation contained within the availability format into a standard format. Furthermore, the Applicant argues that in Webber, every reservation system has a standard format. The Examiner answers that Webber teaches in column 6, lines 35-45 that processor 18 translates the travel parameters and the information on appropriate flights into a format suitable for an airline reservation system such as Apollo. Therefore, contrary to Applicant's argument, Webber teaches a conversion system, which translates multiple availability formats into a standard format that would be understandable by the travel reservation system.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.


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-DL

Daniel Lastra

June 16, 2006


RETTA YEHDEGA
PRIMARY EXAMINER